



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

February 14, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 014-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 2, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jason Locke, DLCD Regional Representative
Matthew Crall, DLCD Transportation Planner
Judith Moore, City of Salem

<paa> ya/

NOTICE OF ADOPTION

THIS FORM MUST BE MAILED BY DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

D
A
T
E

S
T
A
M
P

DEPT OF

FEB 12 2007

LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Salem Local File Number: CPC/ZC 06-6

Date of Adoption: February 6, 2007 Date Mailed: February 8, 2007

Date this Notice of Proposed Amendment was mailed to DLCD: June 19, 2006

- | | |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Changed the Salem Area Comprehensive Plan Map designation from "Developing Residential" to "Commercial" and changed the zoning designation from RA (Residential Agriculture) to CR (Commercial Retail) for an 18.4-acre site located in the 2500 Block of Boone Road SE.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME." If you did not give notice for the Proposed Amendment, write "N/A."

Same

Plan Map Changed from: Developing Residential to: Commercial

Zone Map Changed from: RA (Residential Agriculture) to: CR (Retail Commercial)

Location: 2500 Block of Boone Road SE Acres Involved: 18.4

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals:

Was an Exception Proposed: YES NO

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

Affected State of Federal Agencies, Local Governments or Special Districts:

Local Contact: Judith Moore, Interim Assistant Planning Administrator

Phone: (503) 588-6173 Extension: 7598

Address: 555 Liberty Street SE, Room 305

City: Salem

Zip: 97301

E-Mail Address: jimoore@cityofsalem.net

DLCD File No: 014-06(15329)

RESOLUTION NO.: PC 06-19

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 06-6

WHEREAS, a petition for a Comprehensive Plan Change from

Developing Residential to Commercial

and zone change from

RA (Residential Agriculture) to CR (Retail Commercial)

for property located in the

2500 Block of Boone Road SE

was filed by

Pacific Realty Associates, L.P.

with the Planning Commission of the City of Salem, and

WHEREAS, after due notice, a public hearing on the proposed changes was held before the Planning Commission on November 21, 2006, at which time witnesses were heard and evidence received; and

WHEREAS, the record was held open until December 19, 2006 for additional written evidence and response; and

WHEREAS, the applicant was allowed until January 2, 2007 to provide final written legal argument; and

WHEREAS, the Planning Commission having carefully considered the entire record of this proceeding, after due deliberation and being fully advised; NOW THEREFORE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SALEM, OREGON:

Section 1. FINDINGS:

The Planning Commission hereby adopts as its findings of fact the staff report(s) on this matter dated November 21, 2006, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

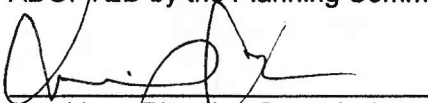
Based upon the foregoing findings and conclusions, it is hereby ordered:

- (a) The proposed Comprehensive Plan change in this matter from Developing Residential to Commercial be granted;
- (b) The zone change from RA (Residential Agriculture) to CR (Retail Commercial) for the above defined area be granted, subject to the following conditions:
 - (1) The intersection of Battle Creek and Boone Roads SE shall be improved to include a traffic signal with dedicated westbound left-turn lane, westbound right-turn lane and an eastbound left-turn lane. The southbound left-turn lane shall be lengthened to provide a minimum of 300 feet of storage.

- (2) The intersection of Battle Creek Road SE and Kuebler Boulevard shall be improved to provide a northbound left-turn lane with a minimum of 350 feet of storage. To provide the necessary northbound left-turn storage at this intersection with the southbound left-turn lane storage at Battle Creek and Boone Roads, side-by-side left-turn lanes shall be constructed as approved by the Public Works Director.
- (3) Kuebler Boulevard shall be widened to meet City of Salem Standards with curb, sidewalk and bike lanes. The widening shall extend from 1500 feet west of Battle Creek Road SE to the Interstate 5 ramps to provide two eastbound lanes.
- (4) Dual left turn lanes shall be constructed on eastbound and westbound Kuebler Boulevard at 27th Avenue SE. Only one eastbound left-turn lane will be striped as there is only one receiving lane. For the westbound left turn lanes, an additional receiving lane shall be constructed which will drop as a right-turn only lane at the subject property's driveway on 27th Avenue.
- (5) In addition to boundary street improvements required by Salem Revised Code (SRC) 77.150, the developer shall coordinate with the city and use best practices for design and location of site access and shall construct left-turn lanes and pedestrian refuge islands where appropriate.
- (6) The developer shall commit up to \$5,000 for traffic calming devices (such as speed humps or other traffic calming measures) to be used in the residential neighborhood south of the proposed development if a need is identified. The Neighborhood Traffic Management Program is the process used to identify traffic calming needs.
- (7) The developer shall commit to one of the following actions, depending on whether site access is provided on Kuebler Boulevard.
 - (a) If no direct access to Kuebler Boulevard is provided, the developer shall construct an eastbound right-turn lane on Kuebler Boulevard at 27th Avenue.
 - (b) If a right-in access on Kuebler Boulevard is provided, the developer shall build a right-in access with a design that minimizes impact to through vehicles and provides a safe crossing for bicycle and pedestrian traffic. In addition, the developer shall complete the widening of the eastbound lanes of Kuebler Boulevard west to Commercial Street. This additional widening of approximately 1300 feet of Kuebler Boulevard is considered as payment for a grant of access on Kuebler Boulevard to allow a right-in driveway on the site.
- (8) The developer shall offset their access driveway along Boone Road SE from Cultus Avenue at a location approved by the Salem Public Works Director.
- (9) The applicant shall establish a landscaped setback along the street frontages of the project area to provide buffering and screening from the street frontage. Along Kuebler Boulevard, the setback shall be a minimum of five (5) feet in depth from the property line, as required in the CR Zone, Salem Revised Code (SRC) 152.080. Along Boone Road SE and 27th Avenue SE, the setback shall be a minimum of fifteen (15) feet in depth where the project area lies opposite residential uses.
- (10) The applicant/developer shall provide sidewalks along all street frontages. The sidewalks may be located inside the setback area as part of a landscape plan.
- (11) The applicant/developer shall provide landscaping within the street frontage setbacks as required in SRC 132.
- (12) The applicant/developer shall provide a brick or masonry wall with a minimum height of six (6) feet along the interior line of the landscaped setback along Boone Road SE and 27th Avenue SE, opposite residential uses. The applicant/developer may provide a landscaped berm within the setback in lieu of a wall.

- (13) The applicant/developer shall provide pedestrian access at all driveway entrances to the development. The pedestrian access way shall be distinct from the vehicular travel lanes by means such as striping, distinctive pavement, elevation, or other method that clearly distinguishes the area for pedestrian travel from vehicle travel.
- (14) No more than 290,000 square feet of commercial retail space and no more than 24,000 square feet of medical office shall be allowed.
- (15) All improvements shall be built as outlined and as set forth in the staff report, including widening of Kuebler Blvd. from the I-5 Interchange to Commercial Street and the "right-in" access from Kuebler to the property.
- (16) No occupancy of the project shall be permitted until all transportation improvements are completed and installed.

ADOPTED by the Planning Commission this 6th day of February 2007.



President, Planning Commission

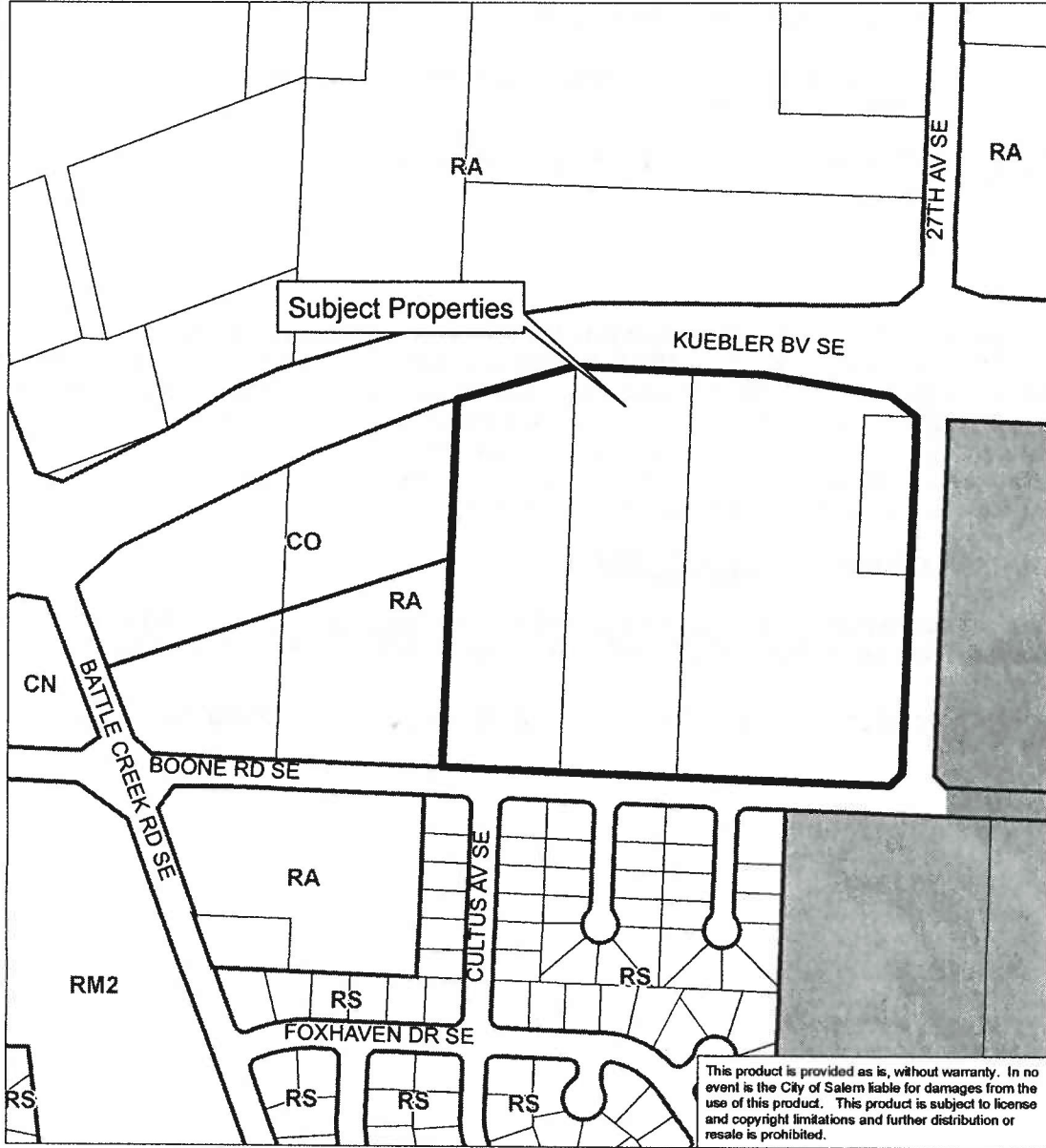
Appeal of a Planning Commission decision is to the Salem City Council (Council), as set forth in Section 114.200 of the Salem Revised Code (SRC). Written notice of an appeal and the applicable fee shall be filed with the Planning Administrator within fifteen days after the record date of the decision. Salem Revised Code 114.210 states that whether or not an appeal is filed, the Council may, by majority vote, initiate review of a Planning Commission decision by resolution filed with the City Recorder. Such a review shall be initiated prior to the adjournment of the first regular Council meeting following Council notification of the Planning Commission decision. Review shall proceed according to SRC Section 114.200.

APPEAL PERIOD ENDS: February 23, 2007

Copies of the staff report containing the Facts and Findings adopted by the Planning Commission are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m.

Planning Commission Vote: Yes 3 No 2 (Bennett, Wiles) Abstained 2 (Dorn, Goss)

Comprehensive Plan Change/Zone Change 06-6



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

Legend

- Base Zoning
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- Schools

0 150 300 Feet



CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

CERTIFICATION OF MAILING

STATE OF OREGON)

CITY OF SALEM)

I, Judy Copeland, do hereby certify that I, on the 8th day of February 2007 caused to be sent interoffice to the Department of Land Conservation and Development Notice of Adoption for CPC/ZC 06-6

A copy of which is filed in the case file.

DATED at Salem, Oregon, this 6th day of February 2007



Judy Copeland, Staff Assistant